

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 59 CS Postdisaster Planning
SPONSOR(S): Negron and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 764

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Utilities & Telecommunications Committee	11 Y, 0 N	Cater	Holt
2) Elder & Long-Term Care Committee	7 Y, 0 N	Walsh	Liem
3) Domestic Security Committee	9 Y, 0 N, w/CS	Garner	Newton
4) Commerce Council			
5) _____	_____	_____	_____

SUMMARY ANALYSIS

HB 59 w/CS amends Chapter 252, F.S. relating to emergency management and response. It creates s. 252.357, F.S., relating to post disaster planning for restoration of electric power. The bill requires that any post disaster plan for restoration that prioritizes hospitals or health care facilities is to include nursing homes, assisted living facilities, and residential care facilities at the same priority level as hospitals within the same service area.

This bill has no fiscal impact.

This act shall take effect July 1, 2005.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government: The bill codifies a priority for nursing homes, assisted living facilities, and residential care facilities in the restoration of electric service.

B. EFFECT OF PROPOSED CHANGES:

Background

Chapter 252, F.S., contains provisions for emergency management planning and response. These statutes in general require state, local, and federal agencies to coordinate the plans and the response to natural and man-made disasters. Current statutes do not mandate a priority in the restoration of electric service. Some county emergency management plans do prioritize health and safety facilities which should be restored prior to other end-uses. These prioritized facilities include hospitals, law enforcement, water, and fire departments. It is the policy of electric utilities to first restore service to those facilities critical to health and safety. Restoration efforts in general prioritize those repairs which can restore the greatest number of customers.

The general standard for electric utilities to restore electric power is: 1) generation facilities and lines that carry power from the generation plants, 2) essential services such as hospitals, police and fire stations, television and radio stations, 3) damage that will return power to the greatest number of customers in the least amount of time, and 4) small groups and individual customers.

Chapter 400, F.S., addresses the regulations for Nursing Homes and Related Health Care Facilities. Specifically Part II addresses nursing homes, Part III addresses assisted living facilities, Part V addresses Hospices, Part VIII addresses intermediate, special services, and transitional living facilities, and Part XI addresses intermediate care facilities for developmentally disabled persons.

Additionally, the Department of Children and Families has oversight over mental health facilities and group care facilities for foster children. The Agency for Persons with Disabilities has oversight over group home facilities for the developmentally disabled.

Section 400.23(g), F. S., requires the Agency for Health Care Administration (AHCA) to adopt rules in relation to the equipment essential to the health and welfare of nursing home residents, and rules in relation to a comprehensive emergency management plan. Similarly, the Department of Elder Affairs has responsibilities under s. 400.441(b), F.S., to adopt rules requiring emergency management plans by assisted living facilities, which are to include provisions for emergency power.

Proposed Changes

The bill requires that any post disaster plan for restoring electric power that prioritizes hospitals or health care facilities include priority for nursing homes, assisted living facilities, and residential care facilities at the same priority level as hospitals within the same service area.

This act shall take effect July 1, 2005.

C. SECTION DIRECTORY:

Section 1. Creates s. 252.357, relating to postdisaster planning for the restoration of electric power.

Section 2. This act shall take effect on July 1, 2005.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

It appears that all types of nursing homes, assisted living facilities, and residential care facilities would receive electric service restoration on the same prioritization level as hospitals within the same service area.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. The bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill does not define "nursing homes," so it is not clear if the term only applies to "nursing homes" licensed under Part II of Chapter 400, F.S., or includes other facilities. Similarly, the bill does not define "residential care facilities," so it is not clear if the term only applies to those facilities licensed under various parts of Chapter 400, F.S., or also applies to residential care facilities that are under the oversight of the Department of Children of Family Services or the Agency for Persons with Disabilities.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On April 13, 2005, the Committee on Domestic Security adopted one amendment and then reported the bill favorably as amended with a committee substitute. The amendment adds assisted living facilities to nursing homes and residential care facilities as facilities that are to be given the same priority as hospitals or other health care facilities in a post disaster plan for the restoration of electrical power.